1 2 3 4 5 6 7 8	DAVID D. LAWRENCE, State Bar No. 123039 dlawrence@lbaclaw.com DENNIS M. GONZALES, State Bar No. 59414 dgonzales@lbaclaw.com NATHAN A. OYSTER, State Bar No. 225307 noyster@lbaclaw.com LAWRENCE BEACH ALLEN & CHOI, PC 100 West Broadway, Suite 1200 Glendale, California 91210-1219 Telephone No. (818) 545-1925 Facsimile No. (818) 545-1937 Attorneys for Defendant Burbank Police Department Officer Gunn		
9	UNITED STATES DISTRICT COURT		
10	CENTRAL DISTRICT OF CALIFORNIA		
11			
12	PRESTON SMITH, an individual;	Case No. CV 10-8840 VBF (AGRx)	
13	Plaintiff,	) Honorable Valerie Baker Fairbank	
14	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \		
15	vs.	PROPOSED ORDER STAYING THE CASE, VACATING THE TRIAL, AND VACATING ALL	
16	CITY OF BURBANK: BURBANK	PRE-TRIAL DATES	
17	POLICE DEPARTMENT; BURBANK POLICE DEPARTMENT	Trial Date: November 8, 2011	
18	OFFICER GUNN; BURBANK POLICE DEPARTMENT OFFICER	Time: 8:30 a.m. Courtroom: 9	
19	BAUMGARTEN; BURBANK	Courtiooni. 9	
20	POLICE DEPARTMENT OFFICER   EDWARDS; AND DOES 1   THROUGH 100, INCLUSIVE		
21	THROUGH 100, INCLUSIVE		
22	Defendants.		
23			
24	TO THE CLERK OF THE COURT, ALL INTERESTED PARTIES AND		
25	THEIR ATTORNEYS OF RECORD:		
26	Pursuant to the parties' Stipulation for an Order Staying the Case, Vacating		
27	the Trial, and Vacating all Pre-trial Dates, IT IS HEREBY ORDERED THAT:		
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1	1. All trial and pre-trial dates in this matter are hereby vacated.	
2	2. This matter is stayed [in its entirety] [with the exception of	
3	proceedings related to paragraph 4 of this Order].	
4	3. The parties shall submit a Joint Status Report to this Court by N	<b>1</b> ay
5	16, 2011 advising the Court as to whether the investigation being conducted by	
6	the Los Angeles Sheriff's Department has been completed. The parties will	
7	further submit Joint Status Reports every 60 days thereafter until the investigation	
8	being conducted by the Los Angeles Sheriff's Department has been completed.	
9	4. [Defendants are permitted to file motions pursuant to Rule 12(c) of	
10	the Federal Rules of Civil Procedure, focused on whether Plaintiff's claims are	
11	barred by his conviction for violating California Penal Code § 148(a)(1) under the	
12	doctrine set forth in <i>Heck v. Humphrey</i> , 512 U.S. 477, 114 S.Ct. 2364 (1994),	
13	hereinafter "the <i>Heck</i> motions". The <i>Heck</i> motions shall be heard on May 16,	
14	2011.]	
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16	IT IS SO ORDERED:	
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19	Dated:	
20	Hon. Valerie Baker Fairbank	
21	United States District Judge	
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